

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

DECEMBER 2, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Ralph Welp, D.V.M. – Chairman
Dawn Frank, D.V.M. – Vice Chairman
Richard Headley, D.V.M.
Patricia Kovach, D.V.M.
Robin Waltz, D.V.M.
Bret Marsh, D.V.M., State Veterinarian
Frank Andrews, Consumer Member

Board Members Absent:

Susan Pedigo, R.V.T.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Director, Professional Licensing Agency
Leslie Bridgforth, Case Manager, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda as amended.

WALTZ/HEADLEY

Motion carried 5-0-0

Dr. Frank was not present for the vote

III. ADOPTION OF THE MINUTES FROM THE OCTOBER 28, 2009 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the October 28, 2009 meeting of the Board.

HEADLEY/KOVACH

Motion carried 5-0-0

Dr. Frank was not present for the vote

IV. APPEARANCES

A. PROBATION

There were no probation appearances before the Board.

B. APPLICATION

1. James Armond Huber, R.V.T.

Mr. Huber appeared before the Board, as requested, regarding his application to sit for the Veterinary Technician National Examination being held on January 15, 2010. Mr. Huber answered positive to question 5B on the application asking "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that on August 1, 2007 he pled guilty to a felony charge of conveying false information concerning a bomb threat at the University of Louisville while he was a student there. During a bomb threat at the University of Louisville, he told police that he had also received a bomb threat, when in fact he had not. On November 2, 2007 Mr. Huber was sentenced to two years of probation, 160 hours of community service and outpatient mental care. He has since completed his sentence and the court order supervision has ended. Mr., Huber provided the Board with documentation regarding this matter. Mr. Huber plans to work in a small animal clinic upon graduation and completion of his externship. He is currently a student at Brown Mackie College in Louisville, Kentucky with an expected graduation date of December 22, 2009.

Board action: A motion was made and seconded to grant approval to Mr. Huber to take the Veterinary Technician National Examination in Indianapolis, Indiana on January 15, 2010.

KOVACH/HEADLEY

Motion carried 4-2-0

Dr. Frank and Mr. Andrew opposed

C RENEWAL

1. Bruce Arthur Preston, D.V.M.

Dr. Preston appeared as requested by the Board. Dr. Preston appeared at the October 28, 2009 meeting regarding his renewal application. At that time the Board requested that Dr. Preston contact the Indiana Veterinary Medical Association Veterinarian Well Being Program for an alcohol assessment. Dr. Preston has entered into a 5 year contract with the Well-Being Program. The program requires Dr. Preston to attend substance abuse counseling and meetings of Alcoholics Anonymous. The treatment program also required Dr. Preston to undergo random drug and alcohol screenings. Dr. Preston has entered into the Aurora outpatient counseling program at Reed Hospital in Richmond, Indiana, attend three AA meetings per week, and submit to random urinalysis screenings where he must call a number each morning to see if he has been chosen. He has signed the agreement and finds the program acceptable. The initial

recommendation from the well-being program is to give Dr. Preston an unrestricted license to practice

Board action: A motion was made and seconded to grant Dr. Preston a probationary veterinary license renewal with the following terms and conditions:

1. Dr. Preston's veterinary medical license will be renewed on INDEFINITE PROBATION. Dr. Preston may apply to withdraw the probation from his Indiana veterinary license on or after five (5) years from the date of the issuance of this Order.
2. Dr. Preston shall keep the Board informed in writing of his residential address and telephone number at all times.
3. Dr. Preston shall keep the Board informed in writing of his employer's name, address, and telephone number at all times.
4. Dr. Preston must comply with all terms and conditions of his contract with the Veterinarian Well-Being Program and inform the Board immediately of any relapse or noncompliance with the terms of his treatment program.
5. Dr. Preston shall submit written reports to the Board on an annual basis advising the Board of his current employment responsibilities and any other information that he considers useful for the Board to evaluate his probationary status.
6. Dr. Preston shall cause his counselor to submit annual reports to the Board regarding his progress.
7. Dr. Preston shall appear before the Board when requested.
8. Dr. Preston shall not violate any laws regulating the practice of veterinary medicine.
9. The failure of Dr. Preston to comply with the terms of this order may subject him to a show cause hearing and the imposition of further sanctions.

ANDREWS/HEADLEY

Motion carried 5-1-0

Dr. Kovach opposed

2. Winthrop F. Barnard, D.V.M.

Dr. Barnard appeared before the Board, as requested, regarding a positive response on his renewal application. Dr. Kovach had reviewed his renewal previously, but requested Dr. Barnard to make a personal appearance due to concerns regarding his practice. He answered yes to the question "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action?" Dr. Barnard stated that he performed cryptorchid surgery this year on a two (2) year old quarter horse in his hospital. The horse developed colic and was referred to Purdue University SVM LAC where a second surgery was performed and they found a loop of small intestine entrapped in the inguinal ring on the cryptorchid side. The horse was cared for at the SVM-LAC and developed ileus and had to be euthanized. Dr. Barnard authorized his carrier (Zurich) to settle with the owners. Dr. Barnard also presented a copy of the report from Purdue.

He still has the owners as clients. Dr. Barnard indicated to the Board that he only performs two to five of this type of surgery on an annual basis. He now asks clients to sign a release regarding the possible outcome of the surgery. Dr. Kovach asked what his surgery facilities consisted of. He stated he has a 20' x 15' room with a table for surgeries.

Board action: A motion was made and seconded to approve Dr. Barnard's veterinary license renewal.

ANDREWS/FRANK

Motion carried 6-0-0

3. Bradley Alan Brown, D.V.M.

Dr. Brown appeared before the Board, as requested, regarding the reinstatement of his license that has been expired for over three (3) years. His license expired on March 1, 2004. Dr. Brown has been in continuous practice in Iowa and Kentucky. The Board is in receipt of his completed renewal form, renewal fee and copies of his continuing education certificates.

Board action: A motion was made and seconded to approve Dr. Brown's veterinary license renewal.

WALTZ/KOVACH

Motion carried 6-0-0

V. ADMINISTRATIVE HEARING

There were no administrative hearings before the Board.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no notices of proposed default before the Board.

VIII. DISCUSSION

A. Karen Martens Brandt, D.V.M., Assistant Director

American Veterinary Medical Association

Re: Accreditation of Brown Mackie College – South Bend

The Board received a letter with information regarding the accreditation of Brown Mackie College in South Bend, Indiana. The letter stated that veterinary technician program at Brown Mackie College-South Bend has been approved by the AVMA.

B. Federal Drug Administration

Center for Veterinary Medicine

Re: Pheylbutazone in Horses – Veterinarians

A letter was received by the Board regarding the use of phylbutazone in horses. It was an informational letter regarding the allowing of veterinarians to compound drugs. They feel there are plenty of commercial FDA approved drugs available so veterinarians do not have to compound drugs on their own.

IX. APPLICATION REVIEW

A. Endorsement

1. William Joseph Prokop, D.V.M.

Dr. Prokop is applying for licensure by endorsement. Dr. Prokop is 1979 graduate from Cornell University. He has taken and passed the NBE on May 1, 1979 and a New York State constructed examination on June 12, 1979. He is currently licensed in the states of New York and New Mexico. Dr. Prokop has been employed with AVAPC/Dairy 8 at Irish Acres Dairies in Berne, Indiana from 2009 to the present and AVAPC/Dairy 8 Box Family Dairies located in Fair Oaks, Indiana from 2008 to the present. He is providing veterinary management services of overseeing health nutrition and productivity. He also was employed at AVAPC/Dairy 8 Box Family Dairies in Fair Oaks, Indiana from 2003 to 2007 providing the same services. The Board had the following questions regarding the services being provided in Indiana:

1. Are you an employee or do you contract with AVAPC/Dairy 8 at Irish Acres Dairies and Bos Family Dairies?
2. What are your duties at the facilities located in Berne and Fair Oaks, Indiana?
3. Are you assisting in dairy operations?
4. What is your business relationship with the company?

The Board requested that Dr. Prokop appear at the January 27, 2010 meeting for further discussion of his application.

B. Examination

There were no examination applications for the Board to review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

X. RENEWALS

There were no renewal applications for the Board to review.

XI. PROBATIONARY REPORT

There were no probationary reports for the Board to review.

XII. CONTINUING EDUCATION

A. Eastside Animal Hospital

"Basic Abdominal Ultrasound Training"

Jeffersonville, IN

January 10, 2010

Hours Granted: 7

Board action: A motion was made and seconded to approve the above program.

FRANK/HEADLEY

Motion carried 6-0-0

XIII. REPORTS

A. Consumer Complaints – Dr. Waltz

Dr. Waltz advised she has closed all of the cases that she has received.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach had nothing to report due to the last CSAC meeting being cancelled.

C. State Veterinarian's Report – Dr. Marsh

Dr. Marsh had nothing to report at this time.

XIV. OLD/NEW BUSINESS

Ms. Vaught discussed with the Board changes that have occurred. To make our agency more proficient, we will no longer issue pocket cards and wall certificates for new licensees or renewals. Licensees will receive their license number in an email explaining that if a pocketcard is required that they will be able to purchase one online. Also, we have been requested not schedule any board meetings that are not necessary. Board members can waive their per diem and travel expenses. Currently using email for all communications with applicants and licensees when available.

XVI. OTHER ITEMS FOR CONSIDERATION

The next veterinary technician national exam is scheduled for Friday, January 15, 2010. The VTNE will become a computerized examination beginning this summer. We will no longer be administering the paper and pencil examination. The examination will be given during three open window periods throughout the year.

The National Boards of Veterinary Medical Examination has made a decision not change the application process for the NAVLE examination at this time. Other states did not want to turn over the process of approving applications to the NBVME at this time. They hope to begin full approval of applicants beginning in 2011.

Dr. Frank discussed operating room facilities. She is asking if there is separate policy for surgery rooms and large animal surgery. There is nothing specific in the law regarding this issue.

Dr. Welp stated he would like to resign from being Chairman of the Board. Mr. Andrews nominated Dr. Headley for chairman.

Board action: A motion was made and seconded to elect Dr. Richard Headley as Chairman of the Board.

ANDREWS/FRANK
Motion carried 5-0-0

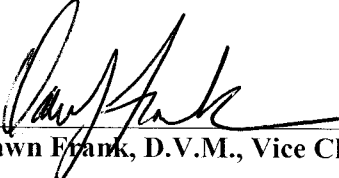
XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 11:20 a.m.



Ralph Welp, D.V.M., Chairman

1 - 27 - 10
Date



Dawn Frank, D.V.M., Vice Chairman

1/27/10
Date